

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by changing Sections 10-20.59, 10-21.8, 13B-60.10, 14-8.02, and 34-18.52 and by adding Sections 10-20.73 and 34-18.67 as follows:

(105 ILCS 5/10-20.59)

Sec. 10-20.59. DCFS liaison.

(a) Each school board must ~~may~~ appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Department of Children and Family Services when enrolling in or changing schools. The school board may appoint any employee of the school district who is licensed under Article 21B of this Code to act as a liaison; however, employees who meet any of the following criteria must be prioritized for appointment:

(1) Employees who have worked with mobile student populations or students in foster care.

(2) Employees who are familiar with enrollment, record transfers, existing community services, and student support services.

(3) Employees who serve as a high-level administrator.

(4) Employees who are counselors or have experience

with student counseling.

(5) Employees who are knowledgeable on child welfare policies.

(6) Employees who serve as a school social worker.

(b) Liaisons under this Section are encouraged to build capacity and infrastructure within their school district to support students in the legal custody of the Department of Children and Family Services. Liaison responsibilities may include the following:

(1) streamlining the enrollment processes for students in foster care;

(2) implementing student data tracking and monitoring mechanisms;

(3) ensuring that students in the legal custody of the Department of Children and Family Services receive all school nutrition and meal programs available;

(4) coordinating student withdrawal from a school, record transfers, and credit recovery;

(5) becoming experts on the foster care system and State laws and policies in place that support children under the legal custody of the Department of Children and Family Services;

(6) coordinating with child welfare partners;

(7) providing foster care-related information and training to the school district;

(8) working with the Department of Children and Family

Services to help students maintain their school placement, if appropriate;

(9) reviewing student schedules to ensure that students are on track to graduate;

(10) encouraging a successful transition into adulthood and post-secondary opportunities;

(11) encouraging involvement in extracurricular activities; and

(12) knowing what support is available within the school district and community for students in the legal custody of the Department of Children and Family Services.

(c) A school district is required ~~encouraged~~ to designate a liaison by the beginning of the 2022-2023 ~~2017-2018~~ school year.

(d) Individuals licensed under Article 21B of this Code acting as a liaison under this Section shall perform the duties of a liaison in addition to existing contractual obligations.

(Source: P.A. 99-781, eff. 8-12-16; 100-201, eff. 8-18-17.)

(105 ILCS 5/10-20.73 new)

Sec. 10-20.73. Parent-teacher conference and other meetings; caseworker. For any student who is in the legal custody of the Department of Children and Family Services, the liaison appointed under Section 10-20.59 must inform the Department's Office of Education and Transition Services of a

parent-teacher conference or any other meeting concerning the student that would otherwise involve a parent and must, at the option of the caseworker, allow the student's caseworker to attend the conference or meeting.

(105 ILCS 5/10-21.8) (from Ch. 122, par. 10-21.8)

Sec. 10-21.8. Correspondence and Reports. In the absence of any court order to the contrary to require that, upon the request of either parent of a pupil whose parents are divorced or, if the student is in the legal custody of the Department of Children and Family Services, the Department's Office of Education and Transition Services, copies of the following: reports or records which reflect the pupil's academic progress, reports of the pupil's emotional and physical health, notices of school-initiated parent-teacher conference, notices of major school-sponsored events, such as open houses, which involve pupil-parent interaction, and copies of the school calendar regarding the child which are furnished by the school district to one parent be furnished by mail to the other parent or, if applicable, the Department's Office of Education and Transition Services. Notwithstanding the foregoing provisions of this Section a school board shall not, under the authority of this Section, refuse to mail copies of reports, records, notices or other documents regarding a pupil to a parent of the pupil as provided by this Section, unless the school board first has been furnished with a certified copy of

the court order prohibiting the release of such reports, records, notices or other documents to that parent. No such reports or records with respect to a pupil shall be provided to a parent who has been prohibited by an order of protection from inspecting or obtaining school records of that pupil pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended.

(Source: P.A. 86-966.)

(105 ILCS 5/13B-60.10)

Sec. 13B-60.10. Parent conference. Before being enrolled in an alternative learning opportunities program, the student and each of his or her parents or guardians, and, if the student is in the legal custody of the Department of Children and Family Services, the Department's Office of Education and Transition Services shall receive written notice to attend a conference to determine if the student would benefit from attending an alternative learning opportunities program. The conference must provide all of the information necessary for the student and parent or guardian to make an informed decision regarding enrollment in an alternative learning opportunities program. The conference shall include a discussion of the extent to which the student, if enrolled in the program, may participate in school activities. No student shall be enrolled in an alternative learning opportunities program without the consent of the student's parent or

guardian.

(Source: P.A. 92-42, eff. 1-1-02.)

(105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

Sec. 14-8.02. Identification, evaluation, and placement of children.

(a) The State Board of Education shall make rules under which local school boards shall determine the eligibility of children to receive special education. Such rules shall ensure that a free appropriate public education be available to all children with disabilities as defined in Section 14-1.02. The State Board of Education shall require local school districts to administer non-discriminatory procedures or tests to English learners coming from homes in which a language other than English is used to determine their eligibility to receive special education. The placement of low English proficiency students in special education programs and facilities shall be made in accordance with the test results reflecting the student's linguistic, cultural and special education needs. For purposes of determining the eligibility of children the State Board of Education shall include in the rules definitions of "case study", "staff conference", "individualized educational program", and "qualified specialist" appropriate to each category of children with disabilities as defined in this Article. For purposes of determining the eligibility of children from homes in which a

language other than English is used, the State Board of Education shall include in the rules definitions for "qualified bilingual specialists" and "linguistically and culturally appropriate individualized educational programs". For purposes of this Section, as well as Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code, "parent" means a parent as defined in the federal Individuals with Disabilities Education Act (20 U.S.C. 1401(23)).

(b) No child shall be eligible for special education facilities except with a carefully completed case study fully reviewed by professional personnel in a multidisciplinary staff conference and only upon the recommendation of qualified specialists or a qualified bilingual specialist, if available. At the conclusion of the multidisciplinary staff conference, the parent of the child and, if the child is in the legal custody of the Department of Children and Family Services, the Department's Office of Education and Transition Services shall be given a copy of the multidisciplinary conference summary report and recommendations, which includes options considered, and, in the case of the parent, be informed of his or her ~~their~~ right to obtain an independent educational evaluation if he or she disagrees ~~they disagree~~ with the evaluation findings conducted or obtained by the school district. If the school district's evaluation is shown to be inappropriate, the school district shall reimburse the parent for the cost of the independent evaluation. The State Board of Education shall,

with advice from the State Advisory Council on Education of Children with Disabilities on the inclusion of specific independent educational evaluators, prepare a list of suggested independent educational evaluators. The State Board of Education shall include on the list clinical psychologists licensed pursuant to the Clinical Psychologist Licensing Act. Such psychologists shall not be paid fees in excess of the amount that would be received by a school psychologist for performing the same services. The State Board of Education shall supply school districts with such list and make the list available to parents at their request. School districts shall make the list available to parents at the time they are informed of their right to obtain an independent educational evaluation. However, the school district may initiate an impartial due process hearing under this Section within 5 days of any written parent request for an independent educational evaluation to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has a right to an independent educational evaluation, but not at public expense. An independent educational evaluation at public expense must be completed within 30 days of a parent written request unless the school district initiates an impartial due process hearing or the parent or school district offers reasonable grounds to show that such 30-day ~~30-day~~ time period should be extended. If the due process hearing decision indicates that the parent is

entitled to an independent educational evaluation, it must be completed within 30 days of the decision unless the parent or the school district offers reasonable grounds to show that such 30-day ~~30-day~~ period should be extended. If a parent disagrees with the summary report or recommendations of the multidisciplinary conference or the findings of any educational evaluation which results therefrom, the school district shall not proceed with a placement based upon such evaluation and the child shall remain in his or her regular classroom setting. No child shall be eligible for admission to a special class for children with a mental disability who are educable or for children with a mental disability who are trainable except with a psychological evaluation and recommendation by a school psychologist. Consent shall be obtained from the parent of a child before any evaluation is conducted. If consent is not given by the parent or if the parent disagrees with the findings of the evaluation, then the school district may initiate an impartial due process hearing under this Section. The school district may evaluate the child if that is the decision resulting from the impartial due process hearing and the decision is not appealed or if the decision is affirmed on appeal. The determination of eligibility shall be made and the IEP meeting shall be completed within 60 school days from the date of written parental consent. In those instances when written parental consent is obtained with fewer than 60 pupil attendance days

left in the school year, the eligibility determination shall be made and the IEP meeting shall be completed prior to the first day of the following school year. Special education and related services must be provided in accordance with the student's IEP no later than 10 school attendance days after notice is provided to the parents pursuant to Section 300.503 of Title 34 of the Code of Federal Regulations and implementing rules adopted by the State Board of Education. The appropriate program pursuant to the individualized educational program of students whose native tongue is a language other than English shall reflect the special education, cultural and linguistic needs. No later than September 1, 1993, the State Board of Education shall establish standards for the development, implementation and monitoring of appropriate bilingual special individualized educational programs. The State Board of Education shall further incorporate appropriate monitoring procedures to verify implementation of these standards. The district shall indicate to the parent, ~~and~~ the State Board of Education, ~~and~~, if applicable, the Department's Office of Education and Transition Services the nature of the services the child will receive for the regular school term while waiting placement in the appropriate special education class. At the child's initial IEP meeting and at each annual review meeting, the child's IEP team shall provide the child's parent or guardian and, if applicable, the Department's Office of Education and

Transition Services with a written notification that informs the parent or guardian or the Department's Office of Education and Transition Services that the IEP team is required to consider whether the child requires assistive technology in order to receive free, appropriate public education. The notification must also include a toll-free telephone number and internet address for the State's assistive technology program.

If the child is deaf, hard of hearing, blind, or visually impaired and he or she might be eligible to receive services from the Illinois School for the Deaf or the Illinois School for the Visually Impaired, the school district shall notify the parents, in writing, of the existence of these schools and the services they provide and shall make a reasonable effort to inform the parents of the existence of other, local schools that provide similar services and the services that these other schools provide. This notification shall include without limitation information on school services, school admissions criteria, and school contact information.

In the development of the individualized education program for a student who has a disability on the autism spectrum (which includes autistic disorder, Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rett Syndrome, as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall

consider all of the following factors:

(1) The verbal and nonverbal communication needs of the child.

(2) The need to develop social interaction skills and proficiencies.

(3) The needs resulting from the child's unusual responses to sensory experiences.

(4) The needs resulting from resistance to environmental change or change in daily routines.

(5) The needs resulting from engagement in repetitive activities and stereotyped movements.

(6) The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder.

(7) Other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

Public Act 95-257 does not create any new entitlement to a service, program, or benefit, but must not affect any entitlement to a service, program, or benefit created by any other law.

If the student may be eligible to participate in the Home-Based Support Services Program for Adults with Mental Disabilities authorized under the Developmental Disability and Mental Disability Services Act upon becoming an adult, the

student's individualized education program shall include plans for (i) determining the student's eligibility for those home-based services, (ii) enrolling the student in the program of home-based services, and (iii) developing a plan for the student's most effective use of the home-based services after the student becomes an adult and no longer receives special educational services under this Article. The plans developed under this paragraph shall include specific actions to be taken by specified individuals, agencies, or officials.

(c) In the development of the individualized education program for a student who is functionally blind, it shall be presumed that proficiency in Braille reading and writing is essential for the student's satisfactory educational progress. For purposes of this subsection, the State Board of Education shall determine the criteria for a student to be classified as functionally blind. Students who are not currently identified as functionally blind who are also entitled to Braille instruction include: (i) those whose vision loss is so severe that they are unable to read and write at a level comparable to their peers solely through the use of vision, and (ii) those who show evidence of progressive vision loss that may result in functional blindness. Each student who is functionally blind shall be entitled to Braille reading and writing instruction that is sufficient to enable the student to communicate with the same level of proficiency as other students of comparable ability. Instruction should be provided

to the extent that the student is physically and cognitively able to use Braille. Braille instruction may be used in combination with other special education services appropriate to the student's educational needs. The assessment of each student who is functionally blind for the purpose of developing the student's individualized education program shall include documentation of the student's strengths and weaknesses in Braille skills. Each person assisting in the development of the individualized education program for a student who is functionally blind shall receive information describing the benefits of Braille instruction. The individualized education program for each student who is functionally blind shall specify the appropriate learning medium or media based on the assessment report.

(d) To the maximum extent appropriate, the placement shall provide the child with the opportunity to be educated with children who do not have a disability; provided that children with disabilities who are recommended to be placed into regular education classrooms are provided with supplementary services to assist the children with disabilities to benefit from the regular classroom instruction and are included on the teacher's regular education class register. Subject to the limitation of the preceding sentence, placement in special classes, separate schools or other removal of the child with a disability from the regular educational environment shall occur only when the nature of the severity of the disability is

such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The placement of English learners with disabilities shall be in non-restrictive environments which provide for integration with peers who do not have disabilities in bilingual classrooms. Annually, each January, school districts shall report data on students from non-English speaking backgrounds receiving special education and related services in public and private facilities as prescribed in Section 2-3.30. If there is a disagreement between parties involved regarding the special education placement of any child, either in-state or out-of-state, the placement is subject to impartial due process procedures described in Article 10 of the Rules and Regulations to Govern the Administration and Operation of Special Education.

(e) No child who comes from a home in which a language other than English is the principal language used may be assigned to any class or program under this Article until he has been given, in the principal language used by the child and used in his home, tests reasonably related to his cultural environment. All testing and evaluation materials and procedures utilized for evaluation and placement shall not be linguistically, racially or culturally discriminatory.

(f) Nothing in this Article shall be construed to require any child to undergo any physical examination or medical treatment whose parents object thereto on the grounds that

such examination or treatment conflicts with his religious beliefs.

(g) School boards or their designee shall provide to the parents of a child or, if applicable, the Department of Children and Family Services' Office of Education and Transition Services prior written notice of any decision (a) proposing to initiate or change, or (b) refusing to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to their child, and the reasons therefor. For a parent, such ~~Such~~ written notification shall also inform the parent of the opportunity to present complaints with respect to any matter relating to the educational placement of the student, or the provision of a free appropriate public education and to have an impartial due process hearing on the complaint. The notice shall inform the parents in the parents' native language, unless it is clearly not feasible to do so, of their rights and all procedures available pursuant to this Act and the federal Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446); it shall be the responsibility of the State Superintendent to develop uniform notices setting forth the procedures available under this Act and the federal Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) to be used by all school boards. The notice shall also inform the parents of the availability upon request of a list of free or low-cost legal

and other relevant services available locally to assist parents in initiating an impartial due process hearing. The State Superintendent shall revise the uniform notices required by this subsection (g) to reflect current law and procedures at least once every 2 years. Any parent who is deaf, or does not normally communicate using spoken English, who participates in a meeting with a representative of a local educational agency for the purposes of developing an individualized educational program shall be entitled to the services of an interpreter. The State Board of Education must adopt rules to establish the criteria, standards, and competencies for a bilingual language interpreter who attends an individualized education program meeting under this subsection to assist a parent who has limited English proficiency.

(g-5) For purposes of this subsection (g-5), "qualified professional" means an individual who holds credentials to evaluate the child in the domain or domains for which an evaluation is sought or an intern working under the direct supervision of a qualified professional, including a master's or doctoral degree candidate.

To ensure that a parent can participate fully and effectively with school personnel in the development of appropriate educational and related services for his or her child, the parent, an independent educational evaluator, or a qualified professional retained by or on behalf of a parent or

child must be afforded reasonable access to educational facilities, personnel, classrooms, and buildings and to the child as provided in this subsection (g-5). The requirements of this subsection (g-5) apply to any public school facility, building, or program and to any facility, building, or program supported in whole or in part by public funds. Prior to visiting a school, school building, or school facility, the parent, independent educational evaluator, or qualified professional may be required by the school district to inform the building principal or supervisor in writing of the proposed visit, the purpose of the visit, and the approximate duration of the visit. The visitor and the school district shall arrange the visit or visits at times that are mutually agreeable. Visitors shall comply with school safety, security, and visitation policies at all times. School district visitation policies must not conflict with this subsection (g-5). Visitors shall be required to comply with the requirements of applicable privacy laws, including those laws protecting the confidentiality of education records such as the federal Family Educational Rights and Privacy Act and the Illinois School Student Records Act. The visitor shall not disrupt the educational process.

(1) A parent must be afforded reasonable access of sufficient duration and scope for the purpose of observing his or her child in the child's current educational placement, services, or program or for the purpose of

visiting an educational placement or program proposed for the child.

(2) An independent educational evaluator or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access of sufficient duration and scope for the purpose of conducting an evaluation of the child, the child's performance, the child's current educational program, placement, services, or environment, or any educational program, placement, services, or environment proposed for the child, including interviews of educational personnel, child observations, assessments, tests or assessments of the child's educational program, services, or placement or of any proposed educational program, services, or placement. If one or more interviews of school personnel are part of the evaluation, the interviews must be conducted at a mutually agreed upon time, date, and place that do not interfere with the school employee's school duties. The school district may limit interviews to personnel having information relevant to the child's current educational services, program, or placement or to a proposed educational service, program, or placement.

~~(h) (Blank).~~

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(Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18; 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

(105 ILCS 5/34-18.52)

Sec. 34-18.52. DCFS liaison.

(a) The board must ~~may~~ appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Department of Children and Family Services when enrolling in or changing schools. The board may appoint any employee of the school district who is licensed under Article 21B of this Code to act as a liaison; however, employees who meet any of the following criteria must be prioritized for appointment:

(1) Employees who have worked with mobile student populations or students in foster care.

(2) Employees who are familiar with enrollment, record transfers, existing community services, and student support services.

(3) Employees who serve as a high-level administrator.

(4) Employees who are counselors or have experience with student counseling.

(5) Employees who are knowledgeable on child welfare

policies.

(6) Employees who serve as a school social worker.

(b) Liaisons under this Section are encouraged to build capacity and infrastructure within the school district to support students in the legal custody of the Department of Children and Family Services. Liaison responsibilities may include the following:

(1) streamlining the enrollment processes for students in foster care;

(2) implementing student data tracking and monitoring mechanisms;

(3) ensuring that students in the legal custody of the Department of Children and Family Services receive all school nutrition and meal programs available;

(4) coordinating student withdrawal from a school, record transfers, and credit recovery;

(5) becoming experts on the foster care system and State laws and policies in place that support children under the legal custody of the Department of Children and Family Services;

(6) coordinating with child welfare partners;

(7) providing foster care-related information and training to the school district;

(8) working with the Department of Children and Family Services to help students maintain their school placement, if appropriate;

(9) reviewing student schedules to ensure that students are on track to graduate;

(10) encouraging a successful transition into adulthood and post-secondary opportunities;

(11) encouraging involvement in extracurricular activities; and

(12) knowing what support is available within the school district and community for students in the legal custody of the Department of Children and Family Services.

(c) The school district is required ~~encouraged~~ to designate a liaison by the beginning of the 2022-2023 ~~2017-2018~~ school year.

(d) Individuals licensed under Article 21B of this Code acting as a liaison under this Section shall perform the duties of a liaison in addition to existing contractual obligations.

(Source: P.A. 99-781, eff. 8-12-16; 100-201, eff. 8-18-17.)

(105 ILCS 5/34-18.67 new)

Sec. 34-18.67. Parent-teacher conference and other meetings; caseworker. For any student who is in the legal custody of the Department of Children and Family Services, the liaison appointed under Section 34-18.52 must inform the Department's Office of Education and Transition Services of a parent-teacher conference or any other meeting concerning the student that would otherwise involve a parent and must, at the

option of the caseworker, allow the student's caseworker to attend the conference or meeting.

Section 10. The Illinois School Student Records Act is amended by changing Sections 2, 4, 5, and 6 as follows:

(105 ILCS 10/2) (from Ch. 122, par. 50-2)

Sec. 2. As used in this Act:~~7~~

(a) "Student" means any person enrolled or previously enrolled in a school.

(b) "School" means any public preschool, day care center, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include a private or non-public school.

(c) "State Board" means the State Board of Education.

(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a school or other person at the direction of a school for his or

her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

(e) "Student Permanent Record" means the minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level, parents' names and addresses, attendance records, and such other entries as the State Board may require or authorize.

(f) "Student Temporary Record" means all information contained in a school student record but not contained in the student permanent record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include information provided under Section 8.6 of the Abused and Neglected Child

Reporting Act and information contained in service logs maintained by a local education agency under subsection (d) of Section 14-8.02f of the School Code. In addition, the student temporary record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

(h) "Department" means the Department of Children and Family Services.

(Source: P.A. 101-515, eff. 8-23-19; revised 12-3-19.)

(105 ILCS 10/4) (from Ch. 122, par. 50-4)

Sec. 4. (a) Each school shall designate an official records custodian who is responsible for the maintenance, care and security of all school student records, whether or not

such records are in his personal custody or control.

(b) The official records custodian shall take all reasonable measures to prevent unauthorized access to or dissemination of school student records.

(c) Information contained in or added to a school student record shall be limited to information which is of clear relevance to the education of the student.

(d) Information added to a student temporary record after the effective date of this Act shall include the name, signature and position of the person who has added such information and the date of its entry into the record.

(e) Each school shall maintain student permanent records and the information contained therein for not less than 60 years after the student has transferred, graduated or otherwise permanently withdrawn from the school.

(f) Each school shall maintain student temporary records and the information contained in those records for not less than 5 years after the student has transferred, graduated, or otherwise withdrawn from the school. However, student temporary records shall not be disclosed except as provided in Section 5 or 6 or by court order. A school may maintain indefinitely anonymous information from student temporary records for authorized research, statistical reporting or planning purposes, provided that no student or parent can be individually identified from the information maintained.

(g) The principal of each school or the person with like

responsibilities or his or her designate shall periodically review each student temporary record for verification of entries and elimination or correction of all inaccurate, misleading, unnecessary or irrelevant information. The State Board shall issue regulations to govern the periodic review of the student temporary records and length of time for maintenance of entries to such records.

(h) Before any school student record is destroyed or information deleted therefrom, the parent or the student, if the rights and privileges accorded to the parent under this Act have been transferred to the student, and, if the student is in the legal custody of the Department of Children and Family Services, the Department's Office of Education and Transition Services shall be given reasonable prior notice in accordance with rules adopted by the State Board and an opportunity to copy the record and information proposed to be destroyed or deleted. A school may provide reasonable prior notice under this subsection to a parent or student through (i) notice in the school's parent or student handbook, (ii) publication in a newspaper published in the school district or, if no newspaper is published in the school district, in a newspaper of general circulation within the school district, (iii) U.S. mail delivered to the last known address of the parent or student, or (iv) other means provided the notice is confirmed to have been received.

(i) No school shall be required to separate permanent and

temporary school student records of a student not enrolled in such school on or after the effective date of this Act or to destroy any such records, or comply with the provisions of paragraph (g) of this Section with respect to such records, except (1) in accordance with the request of the parent that any or all of such actions be taken in compliance with the provisions of this Act or (2) in accordance with regulations adopted by the State Board.

(Source: P.A. 101-161, eff. 1-1-20.)

(105 ILCS 10/5) (from Ch. 122, par. 50-5)

Sec. 5. (a) A parent or any person specifically designated as a representative by a parent and, if the child is in the legal custody of the Department of Children and Family Services, the Department's Office of Education and Transition Services shall have the right to inspect and copy all school student permanent and temporary records of that ~~parent's~~ child. A student shall have the right to inspect and copy his or her school student permanent record. No person who is prohibited by an order of protection from inspecting or obtaining school records of a student pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, shall have any right of access to, or inspection of, the school records of that student. If a school's principal or person with like responsibilities or his designee has knowledge of such order of protection, the school shall prohibit access or

inspection of the student's school records by such person.

(b) Whenever access to any person is granted pursuant to paragraph (a) of this Section, at the option of that person ~~either the parent~~ or the school, a qualified professional, who may be a psychologist, counsellor or other advisor, and who may be an employee of the school or employed by the parent or the Department, may be present to interpret the information contained in the student temporary record. If the school requires that a professional be present, the school shall secure and bear any cost of the presence of the professional. If the parent or the Department so requests, the school shall secure and bear any cost of the presence of a professional employed by the school.

(c) A parent's or student's or, if applicable, the Department's Office of Education and Transition Services' request to inspect and copy records, or to allow a specifically designated representative to inspect and copy records, must be granted within a reasonable time, and in no case later than 10 business days after the date of receipt of such request by the official records custodian.

(c-5) The time for response under this Section may be extended by the school district by not more than 5 business days from the original due date for any of the following reasons:

- (1) the requested records are stored in whole or in part at other locations than the office having charge of

the requested records;

(2) the request requires the collection of a substantial number of specified records;

(3) the request is couched in categorical terms and requires an extensive search for the records responsive to it;

(4) the requested records have not been located in the course of routine search and additional efforts are being made to locate them;

(5) the request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) of this Section without unduly burdening or interfering with the operations of the school district; or

(6) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district or among 2 or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

The person making a request and the school district may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the school district agree to extend the period for compliance, a failure by the school district to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(d) The school may charge its reasonable costs for the copying of school student records, not to exceed the amounts fixed in schedules adopted by the State Board, to any person permitted to copy such records, except that no parent or student shall be denied a copy of school student records as permitted under this Section 5 for inability to bear the cost of such copying.

(e) Nothing contained in this Section 5 shall make available to a parent or student or, if applicable, the Department's Office of Education and Transition Services confidential letters and statements of recommendation furnished in connection with applications for employment to a post-secondary educational institution or the receipt of an honor or honorary recognition, provided such letters and statements are not used for purposes other than those for which they were specifically intended, and

(1) were placed in a school student record prior to January 1, 1975; or

(2) the student has waived access thereto after being advised of his right to obtain upon request the names of all such persons making such confidential recommendations.

(f) Nothing contained in this Act shall be construed to impair or limit the confidentiality of:

(1) Communications otherwise protected by law as privileged or confidential, including but not limited to, information communicated in confidence to a physician,

psychologist or other psychotherapist, school social worker, school counselor, school psychologist, or school social worker, school counselor, or school psychologist intern who works under the direct supervision of a school social worker, school counselor, or school psychologist; or

(2) Information which is communicated by a student or parent in confidence to school personnel; or

(3) Information which is communicated by a student, parent, or guardian to a law enforcement professional working in the school, except as provided by court order.

(g) No school employee shall be subjected to adverse employment action, the threat of adverse employment action, or any manner of discrimination because the employee is acting or has acted to protect communications as privileged or confidential pursuant to applicable provisions of State or federal law or rule or regulation.

(Source: P.A. 100-532, eff. 9-22-17.)

(105 ILCS 10/6) (from Ch. 122, par. 50-6)

Sec. 6. (a) No school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated, except as follows:

(1) to a parent or student or person specifically designated as a representative by a parent, as provided in paragraph (a) of Section 5;

(2) to an employee or official of the school or school district or State Board with current demonstrable educational or administrative interest in the student, in furtherance of such interest;

(3) to the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled, or intends to enroll, upon the request of such official or student;

(4) to any person for the purpose of research, statistical reporting, or planning, provided that such research, statistical reporting, or planning is permissible under and undertaken in accordance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g);

(5) pursuant to a court order, provided that the parent shall be given prompt written notice upon receipt of such order of the terms of the order, the nature and substance of the information proposed to be released in compliance with such order and an opportunity to inspect and copy the school student records and to challenge their contents pursuant to Section 7;

(6) to any person as specifically required by State or federal law;

(6.5) to juvenile authorities when necessary for the discharge of their official duties who request information

prior to adjudication of the student and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to court order; (v) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court;

(7) subject to regulations of the State Board, in connection with an emergency, to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons;

(8) to any person, with the prior specific dated written consent of the parent designating the person to whom the records may be released, provided that at the time any such consent is requested or obtained, the parent shall be advised in writing that he has the right to inspect and copy such records in accordance with Section 5, to challenge their contents in accordance with Section 7 and to limit any such consent to designated records or designated portions of the information contained therein;

(9) to a governmental agency, or social service agency contracted by a governmental agency, in furtherance of an investigation of a student's school attendance pursuant to the compulsory student attendance laws of this State, provided that the records are released to the employee or agent designated by the agency;

(10) to those SHOCAP committee members who fall within the meaning of "state and local officials and authorities", as those terms are used within the meaning of the federal Family Educational Rights and Privacy Act, for the purposes of identifying serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section 5-145 of the Juvenile Court Act of 1987, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act;

(11) to the Department of Healthcare and Family

Services in furtherance of the requirements of Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or Section 10 of the School Breakfast and Lunch Program Act;
~~or~~

(12) to the State Board or another State government agency or between or among State government agencies in order to evaluate or audit federal and State programs or perform research and planning, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g); ~~or-~~

(13) if the student is in the legal custody of the Department of Children and Family Services, to the Department's Office of Education and Transition Services.

(b) No information may be released pursuant to subparagraph (3) or (6) of paragraph (a) of this Section 6 unless the parent receives prior written notice of the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records in accordance with Section 5 and to challenge their contents in accordance with Section 7. Provided, however, that such notice shall be sufficient if published in a local newspaper of general circulation or other publication directed generally to the parents involved where the proposed release of information is pursuant to subparagraph (6) of paragraph (a) of this Section 6 and relates to more than 25 students.

(c) A record of any release of information pursuant to this Section must be made and kept as a part of the school student record and subject to the access granted by Section 5. Such record of release shall be maintained for the life of the school student records and shall be available only to the parent and the official records custodian. Each record of release shall also include:

(1) the nature and substance of the information released;

(2) the name and signature of the official records custodian releasing such information;

(3) the name of the person requesting such information, the capacity in which such a request has been made, and the purpose of such request;

(4) the date of the release; and

(5) a copy of any consent to such release.

(d) Except for the student and his or her parents or, if applicable, the Department's Office of Education and Transition Services, no person to whom information is released pursuant to this Section and no person specifically designated as a representative by a parent may permit any other person to have access to such information without a prior consent of the parent obtained in accordance with the requirements of subparagraph (8) of paragraph (a) of this Section.

(e) Nothing contained in this Act shall prohibit the publication of student directories which list student names,

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addresses and other identifying information and similar publications which comply with regulations issued by the State Board.

(Source: P.A. 99-78, eff. 7-20-15.)

Section 99. Effective date. This Act takes effect July 1, 2022.

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Statutes amended in order of appearance

105 ILCS 5/10-20.59	
105 ILCS 5/10-20.73 new	
105 ILCS 5/10-21.8	from Ch. 122, par. 10-21.8
105 ILCS 5/13B-60.10	
105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02
105 ILCS 5/34-18.52	
105 ILCS 5/34-18.67 new	
105 ILCS 10/2	from Ch. 122, par. 50-2
105 ILCS 10/4	from Ch. 122, par. 50-4
105 ILCS 10/5	from Ch. 122, par. 50-5
105 ILCS 10/6	from Ch. 122, par. 50-6